

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-8 and 10-22 are presently pending in this application, Claims 1, 8 and 15 having been amended by the present amendment.

Claims 1, 2, 4-9 and 11-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over EP 0 096 102 (hereinafter "EP '102") in view of Harris (U.S. Patent 2,944,273) and Van Sant (U.S. Patent 1,595,324); Claims 3 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over the references as applied to Claim 1 above, and further in view of Richardson (U.S. Patent 1,722,706); Claims 21 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over the references as applied to Claims 1 and 8 above, and further in view of Gueret (U.S. Patent 4,463,485); and Claims 15-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over EP '102 in view of Harris and further in view of Homma et al. (U.S. Patent 4,381,259) and Van Sant.

Claims 1, 8 and 15 have been amended herein. These amendments in the claims find support in the original specification, claims and drawings. For example, amended Claims 1, 8, and 15 are supported by page 4, lines 12-20, and Figs. 5A-5C of the specification. Hence, no new matter is believed to be added thereby. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work in a joint effort to derive mutually satisfactory claim language.

Briefly recapitulating, amended Claim 1 of the present invention is directed to a detergent container with a massage brush including a body configured to contain a detergent therein and having an opening for the detergent in an upper portion thereof, an inner cover removably covering the opening, and a cover detachably attached to the upper portion of the body over the opening, the cover having a flat side surface extending away from the body and

a plurality of projections provided on the flat side surface and configured to massage a scalp, wherein the plurality of projections gradually decrease height toward a center portion of the flat side surface covered with the plurality of projections such that apices of the plurality of projections form an imaginary concave plane, and the imaginary concave plane has edge portions which gradually decrease height toward midpoints of the edge portions. By providing projections having such apices, the apices allow a user to grab her scalp more effectively and so they are brought into more conforming contact with the scalp, thus providing more effective massage.

Van Sant discloses a massage instrument including projections. Nevertheless, Van Sant does not teach “a cover detachably attached to the upper portion of the body over said opening ..., wherein the plurality of projections gradually decrease height toward a center portion of the flat side surface covered with the plurality of projections such that apices of the plurality of projections form an imaginary concave plane, and the imaginary concave plane has edge portions which gradually decrease height toward midpoints of the edge portions” as recited in amended Claim 1. On the other hand, Van Sant merely discloses a set of the short projections 14 surrounded by a set of the long projections 15 and suggests no gradual decrease in height. Furthermore, the long projections 15 form a circular ridge portion having the same height,¹ not gradually decreasing the height in the edge portion in any way. Moreover, according to Van Sant, the short projections 14 are hollow and have the ducts 13 running through them for dispensing a content. As such, the long projections 15 must keep the mouths of the ducts 13 away from the scalp most of the time,² and the Van Sant projections 14, 15 conform less closely to the contour of the scalp, making them less effective

¹ See, Van Sant, page 2, lines 25-29, and Figs. 2 and 3.

² See *id.*, page 2, lines 64-69.

for massaging. Therefore, the structure recited in Claim 1 is clearly distinguishable from Van Sant.

EP '102 discloses the cover 3' having the projections 8, but does not teach "a cover detachably attached to the upper portion of the body over said opening ..., wherein the plurality of projections gradually decrease height toward a center portion of the flat side surface covered with the plurality of projections such that apices of the plurality of projections form an imaginary concave plane, and the imaginary concave plane has edge portions which gradually decrease height toward midpoints of the edge portions" as recited in amended Claim 1. Instead, the projections 8 in EP '102 are in the same height,³ and their apices do not form the imaginary concave plane as recited in Claim 1. Therefore, the structure recited in amended Claim 1 is clearly distinguishable from EP '102.

Likewise, Harris and Richardson disclose a massage brush with projections, but clearly fail to teach "a cover detachably attached to the upper portion of the body over said opening ..., wherein the plurality of projections gradually decrease height toward a center portion of the flat side surface covered with the plurality of projections such that apices of the plurality of projections form an imaginary concave plane, and the imaginary concave plane has edge portions which gradually decrease height toward midpoints of the edge portions" as recited in amended Claim 1. Thus, the structure recited in amended Claim 1 is believed to be distinguishable from Harris and Richardson.

Further, Gueret and Homma et al. each disclose a massage device and a shampoo composition, respectively, but both of the references fail to teach "a cover detachably attached to the upper portion of the body over said opening ..., wherein the plurality of projections gradually decrease height toward a center portion of the flat side surface covered

³ See, EP '102, Figs. 1 and 2.

with the plurality of projections such that apices of the plurality of projections form an imaginary concave plane, and the imaginary concave plane has edge portions which gradually decrease height toward midpoints of the edge portions” as recited in amended Claim 1. Thus, the structure recited in amended Claim 1 is also believed to be distinguishable from Gueret and Homma et al.

Because none of Van Sant, EP ‘102, Harris, Richardson, Gueret, and Homma et al. discloses the structure as recited in amended Claim 1, even the combined teachings of these cited references are not believed to render the container recited in Claim 1 obvious.

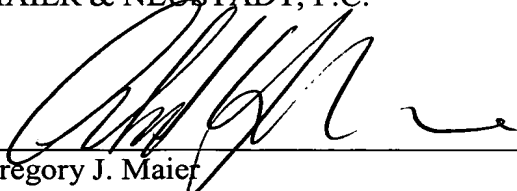
Likewise, Claims 8 and 15 have been amended to include subject matter substantially similar to what is recited in Claim 1 to the extent discussed above. Thus, Claims 8 and 15 are also believed to be distinguishable from Van Sant, EP ‘102, Richardson, Gueret, and Homma et al.

For the foregoing reasons, Claims 1, 8 and 15 are believed to be allowable. Furthermore, since Claims 3-7, 10-14 and 16-22 ultimately depend from one of Claims 1, 8 and 15, substantially the same arguments set forth above also apply to these dependent claims. Hence, Claims 3-7, 10-14 and 16-22 are believed to be allowable as well.

In view of the amendments and discussions presented above, Applicants respectfully submit that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

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